

## **EXHIBIT A**

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VIA 1<sup>st</sup> CLASS MAIL)

January 23, 2021

Hon. William J. Martini, U.S.D.J.  
U.S. District Court, District of New Jersey  
Martin Luther King Building & U.S. Courthouse  
50 Walnut Street  
Newark, NJ 07101

RE: *Wyckoff Properties, LP, et al. v. Selective Insurance Company, et al.*  
U.S.D.C., D.N.J., No. 2:21-cv-00238-WJM-MF

**NOTICE OF DISMISSAL BY CENZINO RISTORANTE, LLC, D/B/A CENZINO'S  
ONLY AS TO DEFENDANT, BERKSHIRE AMGUARD INSURANCE COMPANY**

Dear Judge Martini:

My office represents the plaintiffs in the above-referenced insurance-coverage action, recently removed from the Superior Court of New Jersey, Bergen County (Docket No. BER-L-007036-20). We have enclosed a Notice of Dismissal pursuant to Federal Rule 41(a) filed by one of the plaintiffs, Cenzino Ristorante, LLC, D/B/A Cenzino's, as to one of the defendants, Berkshire Amguard Insurance Company. My office had a problem electronically filing the Notice of Dismissal but we expect to file the enclosed electronically early next week.

Respectfully submitted

Smith, Crotty, Meyer & Bruins

By: Francis P. Crotty

Enclosure (Notice of Dismissal)

cc: Timothy Carroll, Esquire  
Timothy.Carroll@clydeco.us  
Counsel for Defendant, Zurich Ins. Co.

Susan M. Leming, Esquire  
sleming@brownconnery.com  
*Counsel for Defendant, Berkshire Hathaway Guard Insurance Company*

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY  
NEWARK VICINAGE

WYCKOFF PROPERTIES, LP, D/B/A  
ALDO'S PANE & VINO, WYCKOFF INN  
LTD, T/A THE BRICK HOUSE, TASTE  
BUDS, LLC D/B/A THE MASON JAR,  
CENZINO RISTORANTE LLC, D/B/A  
CENZINO'S, ELAN CATERERS, LLC,  
QUE PASTA, LLC & FRANKLIN LAKES  
COUNTRY CAFÉ, LLC,

Plaintiffs,

v.

SELECTIVE INSURANCE COMPANY,  
AMERICAN ZURICH INSURANCE  
COMPANY, BERKSHIRE HATHAWAY  
GUARD INSURANCE COMPANY &  
HARLEYSVILLE INSURANCE COMPANY:

Defendants.

Civil Action No.: 2:21-cv-00238-WJM-MF

**NOTICE OF DISMISSAL PURSUANT  
TO FEDERAL RULES OF CIVIL  
PROCEDURE 41(a) or (c)**

PLEASE TAKE NOTICE:

☒ This action is dismissed, without prejudice, by the Plaintiff, Cenzino Ristorante, LLC, D/B/A Cenzino's, only.

☐ The Counterclaim brought by Claimant(s) \_\_\_\_\_ is dismissed by the Claimant(s) in its entirety.

☐ The Cross-Claim brought by Claimant(s) \_\_\_\_\_ is dismissed by the Claimant(s) in its entirety.

☐ The Third-party Claim brought by Claimant(s) \_\_\_\_\_ is dismissed by the Claimant(s) in its entirety.

☒ **ONLY** Defendant(s) Berkshire Hathaway Guard Insurance Company only.

Is/are dismissed from (check one) ☒ Complaint, ☐ Counterclaim, ☐ Cross-claim, ☐ Third-Party Claim brought by Cenzino Ristorante, LLC, D/B/A Cenzino's, only.

The dismissal is made pursuant to F.R.Civ.P. 41(a) or (c).

1/22/21  
Date

  
Francis P. Crotty

017761975  
Attorney ID No.

*NOTE: F.R.Civ.P. 41(a): This notice may be filed at any time before service by the adverse party of an answer of a motion for summary judgment, whichever first occurs.*

*F.R.Civ.P. 41(c): Counterclaims, cross-claims & third-party claims may be dismissed before service of a responsive pleading or prior to the beginning of trial.*

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

# I. (a) PLAINTIFFS

WYCKOFF PROPERTIES, LP, D/B/A ALDO'S PANE & VINO. et al.

(b) County of Residence of First Listed Plaintiff **BERGEN**  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

SMITH, CROTTY, MEYER & BRUINS (201-891-1900)  
851 Franklin Lake Rd, Franklin Lakes, NJ 07417

# DEFENDANTS

SELECTIVE INSURANCE COMPANY, AMERICAN  
ZURICH INSURANCE COMPANY. et al.

County of Residence of First Listed Defendant **SUSSEX**  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

BROWN & CONNERY, LLP  
CLYDE & COMPANY

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                   | DEF                                   |   | PTF                        | DEF                                   |
|---|---------------------------------------|---------------------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5            |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3            | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6            |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>LABOR</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		

## V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

## VI. CAUSE OF ACTION

Brief description of cause:

Declaratory Judgment Action Re: Insurance Coverage (note 1: numerous cases filed in Superior Court of NJ)

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER see note 1, above

DATE

SIGNATURE OF ATTORNEY OF RECORD

1/22/2021

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE